PGK

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

Testamentary Petition No.368 of 1997

Smt.Suhasini Vinod Boloor .. .. Petitioner
D/o Devappa Kodial
v/s.
Smt.Swetha Prabhakar Shetty .. .. Respondent

Mr.M.V. Jayakar for Petitioner.
Mr.S.M. Khaire for Respondent.

CORAM : SMT.ROSHAN DALVI, J.

DATED : 2nd February 2011

P.C. :

1. The Caveat, which has been filed, has been under objection. The Caveat cannot remain under objection for so many years. The Petition would be required to be proceeded and the Caveat would be required to be dismissed. The Respondent in Testamentary Petition No. 368 of 1997 shall have the objections removed so that issues can be framed in that petition.

2. Both the petitions relate to the estate of the parents of the parties. The parties are sisters. There are essentially two properties, one in Mangalore and other in Mumbai, which have to be essentially distributed

between the two sisters who are the two daughters of the testatrix and her husband.

3. The valuation of the two properties and the shares therein appear to be unequal.

4. Both the Advocates fairly concede that Mediation would be the best mode of resolution of the dispute between the sisters.

5. By consent, Mr.M.P. Rao is appointed Mediator to mediate between the parties to resolve their dispute. The parties shall have both the properties valued. The parties shall consider options of buying of and selling of either or both the properties or payment to one party of the share therein.

6. The Mediator shall assist the parties in working out their options of settlement.

7. For that purpose, the parties shall appoint their private valuers or rely upon the ready reckoner issued by the Stamp Office of the year 2011 with regard to the Mumbai property. The parties may rely upon the similar ready reckoner, if any, of Mangalore city or upon the valuation of the properties in the vicinity.

8. The parties shall complete the valuation within four weeks from today.

9. The parties shall attend before the Mediator, initially on 3rd March 2011 at 5 p.m. and thereafter as directed by the Mediator.

10. The parties shall pay the fees of the Mediator as fixed by the Mediator equally.

11. The parties shall consider working out their options for a period of four weeks before the Mediator. If the parties fail to settle the dispute, the parties shall complete the pleadings in the aforesaid suits as directed above and also remove the objections in Testamentary Petition No.368 of 1997.

12. The Suit as well as the Petition shall be placed on board on 7th April 2011, first on board.

(**SMT.ROSHAN DALVI, J.**)